

SECOND REGULAR SESSION

# SENATE BILL NO. 1248

94TH GENERAL ASSEMBLY

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INTRODUCED BY SENATOR MAYER.

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Read 1st time February 28, 2008, and ordered printed.

TERRY L. SPIELER, Secretary.

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## AN ACT

To amend chapter 640, RSMo, by adding thereto one new section relating to environmental permit coordination.

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*Be it enacted by the General Assembly of the State of Missouri, as follows:*

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Section A. Chapter 640, RSMo, is amended by adding thereto one new  
2 section, to be known as section 640.017, to read as follows:

**640.017. 1. As used in this section, the following terms shall  
2 mean:**

3 **(1) "Department", the department of natural resources;**

4 **(2) "Director", the director of the department of natural  
5 resources;**

6 **2. For any activity that may require multiple environmental state  
7 permits from the department, a permit applicant may request to  
8 coordinate a unified permit schedule with the department that provides  
9 the timing and order in which to obtain such permits. In determining  
10 the schedule, the department and applicant shall consider which  
11 permits are most critical for the regulated activity, the need for unified  
12 public participation for all of the regulated aspects of the permitted  
13 activity, the applicant's anticipated staging of construction and  
14 financing for the permitted activity, and the applicant's use of  
15 innovative environmental approaches or strategies to minimize the  
16 activity's environmental impacts.**

17 **3. The department may initiate the process of coordinating  
18 unified permit schedules for a class of similar activities by notifying  
19 any known potential applicants of the department's intent to use a  
20 unified permit schedule. To the extent practicable and consistent with  
21 the purposes of this section, the department shall coordinate with any**

22 interested applicant on the unified permit schedule.

23           4. The department shall determine all of the permits required for  
24 a specific proposed activity based on information provided by the  
25 applicant; additional information on the proposed activity may result  
26 in different permits being required. The department shall propose a  
27 unified permit schedule to any interested applicant. Any applicant  
28 under this section may decline at any time to have the permits  
29 processed in accordance with the schedule, and instead may proceed  
30 in a permit-by-permit approach.

31           5. Following the establishment of a unified permit schedule, the  
32 director shall notify the applicant of such schedule in writing. The  
33 department shall proceed to consider the permit applications  
34 accordingly, and may only modify the schedule, with the consent of the  
35 applicant, through the date of the public hearing. Each permit  
36 application shall be reviewed by the department based solely on its  
37 own merits and compliance with applicable law. The department shall  
38 publicize the order and tentative schedule for any unified permit  
39 schedule on the department's web pages.

40           6. The department shall coordinate with the applicant, to the  
41 extent possible, to align the unified permit schedule so that all public  
42 meetings or hearings related to the permits are consolidated into one  
43 hearing in a location near the site of the proposed activity.

44           7. In order to facilitate the coordination of any unified permit  
45 schedule developed under this section, the director may waive  
46 otherwise applicable procedural requirements related to timing as set  
47 forth in state environmental laws or rules authorized under chapters  
48 260, 444, 640, and 644, RSMo, provided that:

49           (1) The public comment periods related to each permit are not  
50 shortened; and

51           (2) The unified permit schedule does not impair the ability of the  
52 applicant or the department to comply with substantive legal  
53 requirements related to any permit application.

54           8. The director has the authority to promulgate rules to  
55 administer the provisions of this section. Any rule or portion of a rule,  
56 as that term is defined in section 536.010, RSMo, that is created under  
57 the authority delegated in this section shall become effective only if it  
58 complies with and is subject to all of the provisions of chapter 536,

59 RSMo, and, if applicable, section 536.028, RSMo. This section and  
60 chapter 536, RSMo, are nonseverable and if any of the powers vested  
61 with the general assembly pursuant to chapter 536, RSMo, to review, to  
62 delay the effective date, or to disapprove and annul a rule are  
63 subsequently held unconstitutional, then the grant of rulemaking  
64 authority and any rule proposed or adopted after August 28, 2008, shall  
65 be invalid and void.

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Unofficial

Bill

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